

DEC 17 2004

(Substitute) PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

09/998,165 (Patent No. 6,613,524)

Filing Date

November 29, 2001; (Issued September 2, 2003)

First Named Inventor

Glen H. ERIKSON

Art Unit

Examiner Name

Attorney Docket Number

E1047/20043

ENCLOSURES (Check all that apply)
☐ Fee Transmittal Form (in duplicate)

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application
☐ Power of Attorney, Revocation
☐ Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

Remarks

☐ After Allowance Communication to TC

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

 - Correction of Small Entity Status Under
37 CFR 1.28(c) (in duplicate)

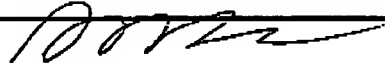
Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., Customer No. 03000

Signature



Printed name

David M. Tener, Esq.

Date

12/17/2004

Reg. No.

37,054

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Transmitted to Facsimile No. (703) 872-9306

Signature



Typed or printed name

David M. Tener, Esq.

Date

12/17/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CENTRAL FAX CENTER****DEC 17 2004****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

First Named Inventor: Glen ERIKSON

Serial No: 09/998,155

Patent No.: 6,613,524

Filed: November 29, 2001

Issued: September 2, 2003

Att. Docket No.: E1047/20043

Confirmation No.: 5438

For: **AMPEROMETRIC AFFINITY ASSAY AND ELECTRICALLY STIMULATED
COMPLEXES OF NUCLEIC ACIDS****CORRECTION OF SMALL ENTITY STATUS UNDER 37 CFR 1.28(c)**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentees have recently become aware of information suggesting that they lost their entitlement to claim small entity status in this matter as a result of a May 22, 2003 sublicense from Genetic Diagnostics, Inc., a small entity licensee of the assignee, to a large entity sublicensee, CML Healthcare, Inc. The erroneous payments were made in good faith by Patentees, and are being corrected promptly after discovery by Patentees of the apparent loss of small entity status.

Accordingly, Patentees submit this paper to update their status and pay the deficiency owed for fees erroneously paid at the small entity rate since May 22, 2003. The following table shows the erroneous fee(s) paid at the small entity rate that should have been paid at the large entity rate, the current fee(s) for the same transaction(s), and the deficiency owed (i.e., the difference between the erroneous fee(s) and the current fee(s)).

Erroneous Fee			Current Fee	Deficiency Owed
Type	Date	Amount		
Issue Fee 37 CFR 1.18(a)	05-22-03	\$650.00	\$1,400.00	\$750.00

Authorization is hereby provided to charge our Deposit Account No. 03-0075 in the amount of \$750.00 to cover the deficiency owed. The Office is also authorized to charge any additional fees related to this matter (including the processing fee of 37 CFR § 1.17(i), if required) to that Account. A duplicate copy of this paper is attached.

Application No. 09/998,155

Patent No. 6,613,524

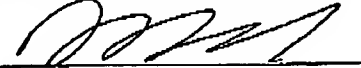
Correction of Small Entity Status Dated December 17, 2004

It is understood that this paper will also act as a notification of loss of status pursuant to 37 CFR § 1.28(d). Issuance of a paper acknowledging this updated information is respectfully requested.

Should there be any questions or concerns regarding this matter, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By 

David M. Tener
Registration No. 37,054
Customer No. 03000
(215) 567-2010
Attorneys for Patentee(s)

December 17, 2004

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